

ESTTA Tracking number: **ESTTA369717**

Filing date: **09/22/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	LinkedIn Corporation
Granted to Date of previous extension	09/22/2010
Address	2029 Stierlin Court Mountain View, CA 94043 UNITED STATES

Attorney information	Janet L. Cullum Cooley LLP 1114 Avenue of the Americas New York, NY 10036-7798 UNITED STATES trademarks@cooley.com, jcullum@cooley.com, negnatios@cooley.com, aanderson@cooley.com Phone:212-479-6500
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### Applicant Information

Application No	77883243	Publication date	05/25/2010
Opposition Filing Date	09/22/2010	Opposition Period Ends	09/22/2010
Applicant	Torridred Inc. 5616 Woodhaven Court Plano, TX 75093 UNITED STATES		

### Goods/Services Affected by Opposition


Class 042. All goods and services in the class are opposed, namely: Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3074241	Application Date	05/05/2003
Registration Date	03/28/2006	Foreign Priority Date	NONE

Word Mark	LINKEDIN
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2003/05/05 First Use In Commerce: 2003/05/05 Online business networking services

U.S. Registration No.	3074242	Application Date	05/05/2003
Registration Date	03/28/2006	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/05/05 First Use In Commerce: 2003/05/05 Online business networking services		

Attachments	78245639#TMSN.jpeg ( 1 page )( bytes ) 78245676#TMSN.gif ( 1 page )( bytes ) LINKEDNETS Opposition.pdf ( 8 pages )(330142 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Noel K. Egnatios/
Name	Noel K. Egnatios
Date	09/22/2010



<b>Certificate of Transmission</b>	
I hereby certify that this correspondence is being electronically filed via ESTTA.	
	(Name)
	(Date)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 77/883,243  
For the Trademark LINKEDNETS LINKING NETWORKS.  
LINKING PEOPLE.  
Published in the Official Gazette  
on May 25, 2010

LINKEDIN CORPORATION,	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
TORRIDRED INCORPORATED,	)	
	)	
	)	
Applicant.	)	
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**NOTICE OF OPPOSITION**

Opposer LinkedIn Corporation (“LinkedIn”), a Delaware corporation having its principal place of business at 2029 Stierlin Court, Mountain View, California 94043, believes that it will be damaged by the issuance of a registration for the mark LINKEDNETS LINKING NETWORKS. LINKING PEOPLE. and Design, in Application Serial No. 77/883,243, filed

December 1, 2009 by Torridred Incorporated (“Applicant”) (the “LINKEDNETS Mark”). LinkedIn hereby opposes Applicant’s application pursuant to Section 13 of the United States Trademark Act, as amended, 15 U.S.C. §1063.

As grounds for opposition, LinkedIn alleges that:

1. LinkedIn is the world’s leading online networking service for professionals. LinkedIn currently has over 75 million members representing over 150 industries. A new member joins LinkedIn approximately every second. Each day millions of individuals access LinkedIn’s services to find, be introduced to and collaborate with qualified professionals. LinkedIn’s services offer users the opportunity to connect with each other, to exchange information, and to identify business and career opportunities.

2. Since its launch in 2003, LinkedIn has continuously used the marks LINKEDIN and LINKEDIN and Design (collectively the “LINKEDIN Marks”) in interstate commerce in the United States in connection with its services.

3. LinkedIn is the owner of U.S. registrations for the marks LINKEDIN and LINKEDIN and Design on the Principal Register (Reg. Nos. 3,074,241 and 3,074,242), issued on March 28, 2006, true and correct copies of which are attached hereto as Exhibit A. The registrations cover “[o]nline business networking services” in Class 35.

4. LinkedIn also has common law rights in the LINKEDIN Marks and has continually used these marks in connection with its services offerings since 2003.

5. LinkedIn has expended considerable effort and expense in promoting the LINKEDIN Marks and the services offered in connection with these marks, both in the United States and internationally, and the Marks embody the substantial and valuable reputation and goodwill that LinkedIn has earned in the marketplace for its high quality networking services.

6. In addition to its own advertising efforts, LinkedIn has been the subject of thousands of unsolicited stories in the media, highlighting LinkedIn's innovative and successful online business networking services. LinkedIn has also received awards and recognitions for its innovative offerings.

7. As a result of LinkedIn's widespread use of the LINKEDIN Marks, extensive advertising and promotion and continuous and unsolicited media coverage, as well as the high degree of consumer recognition of the LINKEDIN Marks, the strong and loyal base of customers that LinkedIn enjoys for its services, and LinkedIn's trademark registrations, among other factors, the LINKEDIN Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. §1125(c).

#### **APPLICANT AND ITS PENDING APPLICATION**

8. Applicant seeks to register the word and design LINKEDNETS LINKING NETWORKS. LINKING PEOPLE. in connection with "[c]omputer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking" in International Class 42 (the "LINKEDNETS Mark"). This application was published in the Official Gazette of the PTO on May 25, 2010. This application was filed on an intent-to-use basis; however, Applicant appears to be using a slightly different version of the LINKEDNETS Mark on its website, [www.linkednets.com](http://www.linkednets.com).

9. The LINKEDNETS Mark is substantially similar to the LINKEDIN Marks.

10. The services offered under the LINKEDNETS Mark are substantially similar to those provided by LinkedIn. Specifically, LinkedIn provides online business networking services under the LINKEDIN Marks, and, according to Applicant's website,

www.linkednets.com, Applicant's services similarly are directed to helping member corporations "connect with a global community" "communicate through... social media" and "enlarge [their] network exponentially."

11. Upon information and belief, Applicant selected the LINKEDNETS Mark with knowledge of the LINKEDIN Marks.

12. LinkedIn is not affiliated or connected with Applicant or its services; nor has LinkedIn endorsed or sponsored Applicant or its services.

13. There is no issue as to priority of use. LinkedIn began using its LINKEDIN Marks, and enjoys priority as a result of the filing dates of its trademark registrations, well prior to the filing date of the application for the LINKEDNETS Mark (December 1, 2009). Applicant filed its application on an intent-to-use basis and has not provided a date of first use in commerce for the LINKEDNETS Mark. Further, upon information and belief, Applicant did not come into possession of the website www.linkednets.com until June 2009 at the earliest, which is well after the March 28, 2006 registration date of the LINKEDIN Marks.

**FIRST GROUND FOR OPPOSITION  
LIKELIHOOD OF CONFUSION**

14. LinkedIn incorporates by reference paragraphs 1 through 13, inclusive, as if fully set forth here.

15. Applicant's LINKEDNETS Mark is highly similar to the LINKEDIN Marks in appearance, sound, meaning, and commercial impression. In particular, the LINKEDNETS Mark incorporates the formative term LINKED, which connects to the letter N. This letter N appears as part of a superimposed design of a vertical line capped with a dot, which suggests the letter "i" and, taken together with the N, suggests the word "in". Accordingly, this first portion

of Applicant's Mark is nearly identical to the LINKEDIN Marks. The balance of Applicant's Mark includes words apparently intended to be descriptive of Applicant's services. Further, the use of the color blue and the use of a color scheme that differentiates the LINKED portion of Applicant's Mark from the balance of that Mark imitate LinkedIn's use of the LINKEDIN Marks as reflected on LinkedIn's website, [www.linkedin.com](http://www.linkedin.com).

16. The services offered by the parties respectively are closely related. According to the identification of services in the application, Applicant intends to use the LINKEDNETS Mark in connection with "[c]omputer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking," and, according to Applicant's website, [www.linkednets.com](http://www.linkednets.com), Applicant's services are directed to helping member corporations "connect with a global community" "communicate through... social media" and "enlarge [their] network exponentially." These services are closely related to LinkedIn's services, and, upon information and belief, specifically target LinkedIn's market. However, LinkedIn is not affiliated or connected with Applicant or its services; nor has LinkedIn endorsed or sponsored Applicant or its services.

17. Registration of Applicant's Mark will injure LinkedIn by causing the public to be confused or mistaken into believing that the services provided by Applicant are endorsed or sponsored by LinkedIn. LinkedIn has no control over the nature and quality of the services offered by Applicant under the LINKEDNETS Mark, and LinkedIn's reputation and goodwill will be damaged and the value of the LINKEDIN Marks jeopardized, all to LinkedIn's detriment. Further, any defect, objection or fault found with Applicant's services marketed under the

LINKEDNETS Mark would necessarily reflect upon and injure the reputation that LinkedIn has established for the services it offers in connection with the LINKEDIN Marks.

18. Accordingly, registration of the mark herein opposed will damage LinkedIn because Applicant's Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus Applicant's Mark is unregistrable under Sections 2(d) and 3 of the United States Trademark Act, as amended, 15 U.S.C. §§1052 and 1053, and should be refused registration.

**SECOND GROUND FOR OPPOSITION  
DILUTION OF A FAMOUS MARK**

19. LinkedIn incorporates by reference paragraphs 1 through 18, inclusive, as if fully set forth here.

20. Applicant filed its application on an intent-to-use basis and has not provided a date of first use in commerce for the LINKEDNETS Mark. However, Applicant appears to be using a variation of the LINKEDNETS Mark on its website, [www.linkednets.com](http://www.linkednets.com).

21. The LINKEDIN Marks are highly distinctive of LinkedIn's services.

22. LinkedIn has used the LINKEDIN Marks since at least 2003 for online business networking services and related services, as alleged.

23. LinkedIn has extensively advertised and promoted the LINKEDIN Marks. LinkedIn and the LINKEDIN Marks have also enjoyed extensive media attention.

24. LinkedIn has used the LINKEDIN Marks throughout the United States and many places around the world, via the Internet.

25. As a result of the considerable publicity afforded the LINKEDIN Marks, and the strong and loyal base of customers that LinkedIn enjoys for its services, the LINKEDIN Marks have a high degree of consumer recognition.

26. LinkedIn is the owner of U.S. registrations for the LINKEDIN Marks.

27. Apart from unauthorized infringing uses of such marks, LinkedIn is not aware of any material use of any highly similar mark by others.

28. Accordingly, when the public encounters the term “LINKEDIN,” it immediately associates the term with LinkedIn, and thus the LINKEDIN Marks are famous because they are widely recognized by the general consuming public of the United States as a designation of LinkedIn’s good and services.

29. The LINKEDIN Marks became famous before Applicant filed its application for the LINKEDNETS Mark on December 1, 2009.

30. The LINKEDNETS Mark features the term LINKEDNETS in a design format that causes that portion of the mark to be nearly identical to the LINKEDIN Marks and its use is likely to cause dilution of the famous LINKEDIN Marks. If Applicant and others are permitted to register marks similar to the LINKEDIN Marks, the proliferation of such marks will blur and weaken the connection in consumers’ minds between the LINKEDIN Marks and LinkedIn’s goods and services.

31. Accordingly, registration of the mark herein opposed is likely to dilute the distinctive quality of LinkedIn’s famous LINKEDIN Marks. Thus, Applicant’s LINKEDNETS Mark is unregistrable pursuant to Sections 2(a)(d), 3, 13, and 43(c) of the United States Trademark Act.

32. Wherefore, LinkedIn prays that this Opposition be sustained, and that Application Serial No. 77/883,243 be refused.

Please recognize the following as attorneys for LinkedIn in this proceeding: Janet L. Cullum, Anne H. Peck, Noel Egnatios, and Peter J. Willsey (members of the Bar of the States of New York, California or Virginia), and the firm of Cooley Godward Kronish LLP, 1114 Avenue of the Americas, New York, New York 10036-7798.

Please address all communications to Janet L. Cullum at 1114 Avenue of the Americas, New York, New York 10036-7798.

In accordance with 37 C.F.R. §§ 2.101 and 2.104, duplicate copies of this Notice of Opposition and the fee of \$300.00 for one International Class are submitted herewith.

Respectfully submitted,

COOLEY GODWARD KRONISH LLP

Noel K. Egnatios

Date: September 22, 2010

By: 

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